

December 31, 2019

Via ECF

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**Pre-Motion Request for
Discovery Conference**

Hon. Lorna G. Schofield, U.S.D.J.
Thurgood Marshall United States Courthouse
United States District Court
Southern District of New York
40 Foley Square, Room 2203
New York, NY 10007

Re: *Adam Katrincic v. Moonstar Logistics, LLC and Ramazan Raymond Ipek*
SDNY Case No.: 19 Civ. 8733 (LGS)

Your Honor:

This office represents the defendants, Moonstar Logistics, LLC and Ramazan Raymond Ipek, in the above-captioned matter. Pursuant to Local Rule 37.2, and your Honor's Individual Practice Rules III. A. 1. and III. C. 3., Defendants respectfully request that a discovery conference be scheduled by this Honorable Court, given Plaintiff's non-compliance with the Court's instructions from the Initial Conference held on November 26, 2019, and the Court's Order of 12/2/19, wherein Plaintiff was ordered to provide Defendants with medical records authorizations, if not already provided.

Plaintiff, Adam Katrincic (age 39), alleges that on July 5, 2018, he sustained "serious injuries" under New York Insurance Law Section 5101(d) in connection with a motor vehicle accident which occurred on the I-95/Cross Bronx Expressway, Bronx, New York, with a truck registered to defendant, Moonstar Logistics, LLC and operated by defendant, Ramazan Raymond Ipek. To date, despite our good faith efforts, Plaintiff has failed to provide proper HIPAA compliant authorizations for medical treatment received by Adam Katrincic, for alleged injuries to his neck and back for bulges and herniated discs. Furthermore, it is our understanding that Plaintiff is likely to undergo surgery for alleged injuries, should conservative treatment be insufficient.

Before the writing of this letter, Defendants communicated with Plaintiff's counsel via e-mail, in good faith, advising that previously provided authorizations were limited in time and were required to be unlimited in both scope and time, and that additional discovery remained outstanding. On November 27, 2019, having already served our First Set of Document Requests dated 11/15/19 and receiving no response, we followed up for proper authorizations (previously provided but defective), as well as additional duly executed compliant authorizations for the Geico no-fault and property damage files for the motor vehicle accidents Plaintiff was involved in on February 21, 2014, November 29, 2016 and May 6, 2019. We also noted, that we are entitled to no-fault and

property damage authorizations for the subject accident of 7/5/18. A copy of the e-mail of November 27, 2019 is annexed hereto as **Exhibit A**.

Having received no response to that e-mail or to our Document Request of 11/15/19, we sent a follow-up email with attachments, on December 11, 2019, regarding the aforementioned outstanding discovery, reminding Plaintiff's counsel of upcoming deadlines regarding depositions and completion of fact discovery. A copy of the e-mail of December 11, 2019, is annexed as **Exhibit B**.

To date, Plaintiff has not only failed to respond to discovery demands, thereby violating the Court's Order to immediately provide authorizations for medical records, but has also ignored our good faith e-mail transmittals. Given the 2/26/20 deadline imposed by this Court for completion of depositions, Defendants will be severely prejudiced if not immediately provided with the authorizations to retrieve medical records and allowed a sufficient amount of time for review same, before Plaintiff is deposed.

For the reasons discussed, Defendants respectfully request that this Honorable Court schedule a discovery conference to address the outstanding discovery outlined herein, and/or grant Defendants permission to move to compel production of the outstanding discovery due from Plaintiff, and grant such other and further relief that this Honorable Court deems just and proper.

Dated: New York, New York
December 31, 2019

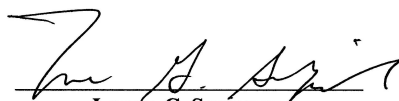
Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

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Plaintiff shall file a response letter as soon as possible and no later than **January 9, 2020**. If the parties resolve any of the outstanding discovery issues described above in the interim, Plaintiff shall state so in the letter.

Dated: January 2, 2020
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE